

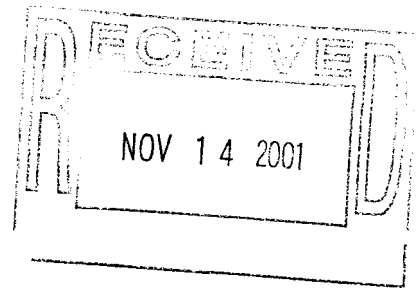


National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Protected Resources, Permits Division (F/PR1)
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fyed 11/1/01

November 2, 2001

Protected Species Special Exception Permits: Proposed Rule
50 CFR Part 216
Docket No. 001031304-0304-01
66FR 35209



Dear Ms. Terbush:

Introduction

WDCS, The Whale and Dolphin Conservation Society, is a conservation organization representing over 70,000 members and supporters worldwide. Since its establishment in 1987, WDCS has funded and conducted extensive research on issues relating to cetaceans in the wild and in captivity, and is recognized internationally as a respected **source** of information on the scientific, biological, political and legal aspects of cetacean protection. WDCS has supported over 50 conservation field projects worldwide, and serves **as** a global voice for the protection and conservation of whales and dolphins and their environment through campaigns, scientific research, field projects, legal advocacy and educational outreach programs.

WDCS is grateful for the opportunity to provide comments to NMFS on the proposed regulations to implement the Marine Mammal Protection Act (MMPA) that relate to the taking, importation and exportation of marine mammals for public display. WDCS understands that these regulations implement amended public display requirements of the **MMPA**, clarify processes for the retention of stranded marine mammals, establish information reporting requirements, and specify particular requirements pertaining to the transfer, transport or export of marine **mammals**.

WDCS strongly believes ~~that~~ the NMFS has **full** authority to regulate these **aspects** of capture, import/export, and inventory-related record keeping under the **MMPA**. Similarly, WDCS believes that these regulations in no way duplicate or encumber the care and maintenance regulations of the US Department of Agriculture's Animal and Plant ~~Health~~ Inspection Service (APHIS) with cooperative jurisdiction over captive marine mammals under the Animal Welfare Act (AWA).

For consistency with the proposed language, we have referred to 'marine **mammals**' throughout ~~this~~ submission, although the focus of ~~our~~ submission is cetaceans.

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Identified Issue Areas and Comments

Sec. 216.13 (d) *Prohibited uses, possessions, transportation, sales and permits*

This paragraph will make it unlawful to release a captive marine mammal into the wild without a scientific research permit, except in respect to rehabilitated beached or stranded wild **animals**. WDSCS **disagrees** with the rationale for this proposed provision expressed in the General Background. We acknowledge that the release of captive marine mammals is experimental and that no scientific protocols meeting internationally **agreed** standards exist to guide researchers in the proper selection, training, release and follow up of candidate marine mammals. However, we do not accept that the experimental nature of captive release should be used **as** ground for discouraging it in respect to animals born in captivity, or which do not meet the exemption criteria in S216.27.

WDSCS believes that recent successful releases of captive cetaceans demonstrate that release back to the wild is viable. In 2001, two bottlenose dolphins ('Turbo' and 'Ariel') were released off Guatemala, after about one year of captivity. In 1993, a male bottlenose dolphin ('Flipper') was released off Laguna, Brazil, after approximately ten years of captivity. Since release, this dolphin has been seen along at least 155 **miles** of coastline, **often** accompanied by other wild dolphins. In 1992, an adult female bottlenose dolphin ('Bahama Mama') was inadvertently released **after** at least 17 years of captivity. She was positively photo-identified up to eight months **after** release accompanied by other wild dolphins. In 1991, three bottlenose dolphins ('Rocky', 'Missie' and 'Silver') were released off the **Tucks** and Caicos Islands, after at least 12 years of captivity. All three have been resighted numerous times since release. In 1990, two bottlenose dolphins ('Echo' and 'Misha') were released off Tampa Bay, Florida, after two years of captivity. These two have been resighted numerous times since release.

Sec. 216.27 *Release, non-releasability, and disposition under special exception permits for rehabilitated marine mammals*

WDSCS believes that if an animal is determined **by** a veterinarian at the site of stranding or beaching to have a reasonable chance of survival if **refloated** following the **administration** of **first** aid **at** the scene, then that **animal's** chances should not be compromised by the stress of its removal into captivity. We believe that if it is determined not to have a reasonable **chance** of survival, it should be **euthanized**¹. Without prejudice to this position, we have the following specific comments on the proposed amendments:

¹ A recent meeting of relevant UK veterinary surgeons concluded that rehabilitation in captivity of **cetaceans** stranded in the UK was an inappropriate option. Instead, animals are subject to a rescue protocol developed **over** the last 10 years and based on expert assessment **at** (or close to) the stranding site, which in the case of **animals** deemed to be viable results in a "refloat". "Refloat" refers to the return to **sea** of the stranded animal through a series of carefully planned stages. The veterinarians concluded that there was no evidence that refloat is not working and that where euthanasia has **been** administered, post mortem studies have confirmed, in **all cases**, that the decision **was** correct.

The veterinarians **also** concluded that there has **been** a significant improvement **in** clinical assessment (and thus decision making) on the beach **in** the UK over the last few years and there is still the potential to improve on this. They also commented on the possible inability to provide optimal conditions for survival in captivity without producing an animal that is inappropriate for release.

Releasable marine mammal?

WDCS supports in principle NMFS' attempt to impose stricter conditions in respect to, and make more transparent, the retention of stranded and beached marine mammals in captivity. However, we believe that if release following rehabilitation in captivity is determined to be viable for a stranded or beached marine mammal, then its retention should be authorized for that purpose alone. Its retention should not be authorized for scientific research, enhancement or public display purposes which are irrelevant to its rehabilitation and may indeed compromise it.

WDCS believes that the prompt release of animals into their natural environment must be the primary aim of any rehabilitation center (or other captive facility involved in the rehabilitation of marine mammals). WDCS therefore strongly opposes the retention of releasable marine mammals for the purpose of public display and in lieu of a direct capture from the wild. The public strongly supports the rescue of stranded marine mammals. When the public learns that stranded animals, which survive and are nurtured to the point of being releasable, are consigned to a lifetime in captivity rather than returned to their natural habitat, the support for rescue and rehabilitation in public display facilities will disappear. WDCS believes that captive-bred and "non-releasable" marine mammals **can** supply the needs of the public display industry without the addition and retention of releasable marine mammals.

Sec. 216.43 (b) *Public display: Permits to capture or import marine mammals*

No cetaceans have been captured ~~from~~ the wild in **US** waters since 1993. Since then captive populations have been maintained and grown ~~through~~ captive breeding, imports and the retention of stranded animals determined to be ~~unreleaseable~~. In light of this, WDCS believes it is entirely unnecessary for NMFS to permit any cetaceans to be captured in the **wild**, whatever the circumstances. Without prejudice to ~~this~~ position, we have the following specific comments:

Sec. 216.43(b)(3)(i) *Issuance criteria: program ~~for~~ education or conservation purposes*

Currently, educational standards ~~within~~ some public display facilities are nearly a moot ~~point~~, as they are based in standards established and suggested by the public display community itself

In "A Review of the Live Stranding of Cetaceans: Implications for their veterinary care, rescue and rehabilitation in the UK", Mayer (1996), notes, of captive rehabilitation: "Rehabilitation rates are generally poor. Although there is no comprehensive published data reviewing survival rates in centres it is clear many animals die whether they originally came ashore with others or not. In the US, where rehabilitation is most widely practised, some animals although healthy are not returned to the sea. . Rehabilitation is a very expensive approach to treatment which, based on past experience, is of limited applicability and success. Careful evaluation of animals, including the prospects for their long-term viability in the wild following rehabilitation will be needed to justify such intervention".

A look ~~at~~ the website of Whale and Dolphin Hospital patient list of the Mote Marine Laboratory in Sarasota, Florida, seems to support the case that captive rehabilitation of stranded cetaceans has limited success. Of the 29 individual cases documented on the website of current and former patients to the Hospital between 1992 and 2001 (which include individuals of species *Kogia breviceps*, *Tursiops truncatus*, *Delphinus delphis*, *Steno bredanensis*, *Mesoplodon europaeus*, *Feresa attenuata*), 17 died (having been held captive for between less than one day and 146 days), four were euthanized, and seven were released. The Hospital's current patient is an orphaned calf *Kogia breviceps*.

Because the effectiveness of an educational program cannot really be determined at its inception by its description on paper, and because regulatory requirements are non-specific and provide only suggested elements of a “professionally recognized” educational or conservation program, this requirement does little to protect the original precautionary intent of the MMPA. In fact, according to information provided by NMFS, a permit for take for public display has never been denied on the grounds of insufficient or “lacking” educational value. There is no indication that existing educational standards ensure the validity of an exemption under this category.

Although this requirement implies that the US government bases its determinations of legitimate educational value on a well-established and critically-reviewed set of educational program standards created through public input, this requirement is easily satisfied because the standards are set by the public display community itself. As a result, these educational standards are not monitored or enforced by any independent public institution, or regulatory agency.

One of these “professionally recognized standards” published by NMFS in 1994 (FR 59 30900) and established by the Alliance of Marine Mammal Parks and Aquariums (Alliance) indicates that *education programs about marine mammals must present information about these animals, their ecosystem, or marine wildlife conservation that is based upon the best current scientific knowledge*. Another standard, as offered by the American Zoo and Aquarium Association (AZA) indicates that *if animal demonstrations are a part of the institution’s programs, an educational/conservation message must be incorporated*.

In order to illustrate our concerns about the problems inherent in human/dolphin interaction programs, WDCCS has conducted original research over the past five years into dolphin petting and feeding pools (hereafter known as Petting Pools) at Sea World facilities in the US. For illustrative purposes, some of this information is provided below, although a more detailed report submitted to APHIS in 1999 is available.

WDCCS’s research reveals that, although Petting Pool visitors are provided with information about dolphin biology, behavior and conservation, both through display boards and narration by staff, the Petting Pool experience does little to educate visitors about what constitutes normal dolphin behavior, their natural environment or the threats to their survival in the wild. In the absence of adequate staff intervention, WDCCS fears that Petting Pools may even serve to perpetuate an astonishing degree of indifference, disrespect and ignorance that is shown by some humans towards the welfare of animals. For example, visitors were observed spitting into the Petting Pools and luring the dolphins with cigarettes and other dangerous items.

WDCCS is also concerned that any positive education that might be gained by visitors at Petting Pools and other human/dolphin interaction programs may be outweighed by the harm incurred by wild cetaceans at the hands of people who have interpreted from captive interaction experiences that feeding and handling dolphins is appropriate. WDCCS fears in particular that captive feeding programs, such as Sea World’s Petting Pools will encourage people to attempt to feed dolphins in the wild, which has been prohibited by NMFS under the MMPA because it is potentially detrimental to dolphins.

Interestingly, even the claims put forward by advocates of feeding dolphins in the wild—that it affords an educational opportunity to observe the behavior of these creatures in their natural environment—are dismissed by NMFS which has concluded that the educational value of feeding

dolphins in their natural environment is questionable, at **best**.³ If feeding a dolphin in its natural habitat offers no real educational value, then how can feeding a dolphin in captivity hold up to similar scrutiny?

The marine mammal public display community is uniquely positioned to educate the public about the potential detrimental effects of human interactions with wild dolphins. Yet, WDCS has found scant evidence of these messages in Petting Pool and other interactive programs. The public display industry can also offer solutions and alternatives to detrimental interactions with **animals** in the wild, including, for example, promoting responsible whale and dolphin watching.

Furthermore, WDCS is concerned that captive facilities that are granted an exemption permit on education grounds must be motivated to continually improve their educational programs. Currently there are no requirements in the existing regulations for "updated" educational program or facility plans once a special exemption permit is granted. We therefore urge that regular checks are required to be undertaken to ensure that captive facilities do not stray from their **original** "educational mission statement" in the course of their commercial development **as** a public entertainment venue.

In conclusion, WDCS is very concerned that the proposed granting of special exemption permits for public display of marine mammals on educational grounds lacks integrity and is severely compromised. WDCS believes, therefore, that **NMFS** should reinstate the requirement ~~that~~ public display education and conservation programs be acceptable to the Secretary, including periodic review of these educational programs **as** they develop and evolve. Such periodic review should include public comment.

Sec. 216.43(b)(3)(iv) Issuance criteria: impact of capture or importation on wild populations

Despite safeguard language ~~under~~ Section **104** (Permits) of the **MMPA** that any captures and imports must specify the location and manner (determined by the Secretary **to** be humane) in which the captures ~~occur~~, there are no specific prohibitions on importation of dolphins from capture operations which *may* significantly impact local populations or stocks of dolphins. Recent scientific information indicates that it is sometimes extremely difficult to identify where discrete stocks and populations begin and end. For example, the ~~May~~ 2001 ~~bottlenose~~ dolphin workshops conducted by regional **NMFS** bottlenose dolphin take reduction teams in North Carolina revealed that population estimates even for coastal bottlenose dolphins are ~~uncertain~~. Distinguishing ~~between~~ coastal and coastal migratory ~~stocks~~ is difficult, and **as** a result, population estimates are often controversial. WDCS therefore believes that the difficulty in documenting and understanding discrete populations of dolphins worldwide makes their removal from the wild unacceptable.

Compounding uncertainty regarding population assessments is the lack of information regarding the impact of captures on local populations. The number of **animals injured, accidentally killed**, or whose health is compromised **as** a result of capture operations, (including 'capture myopathy' suffered by those **animals** which 'get away') often remains unknown, despite existing reporting requirements.

³Bryant, L. 1994. Report to Congress on Results of Feeding Wild Dolphins: 1998-1994. National Marine Fisheries Service, Office of Protected Resources.

WDCS has conducted research into capture of dolphins for the captivity industry in drive fisheries in Japan⁴. Our research indicates that dolphins from these fisheries are exported to captive display facilities overseas. WDCS is concerned that animals from these and other brutal and probably unsustainable hunts may find their way to US facilities through a chain of poorly scrutinized inter-facility transfers.

WDCS recommends that a NMFS observer accompany all permitted captures for import or introduction into the US; not just those in US waters when requested by the Office Director **as** proposed in S216.43 (5)(i). WDCS also encourages heightened scrutiny of **all** documentation accompanying any marine mammal imports into the US. WDCS is not satisfied that the requirement for a Letter of Comity from the receiving nation provides adequate protection for cetaceans being exported from the US (see later). The fact that the US agencies must accept these letters **as** a matter of courtesy renders them meaningless. We believe that **all** facilities importing cetaceans from the US should be pre-inspected **by** a qualified US official, and their application for import subject to public scrutiny and comment.

WDCS urges the US to require the provision of a Collection Report [**as** proposed in Sec. 216.43 (6)(i)] for all cetaceans imported into the US, irrespective of where they originated. This will enable full scrutiny of the conditions under which the animal was originally removed from the wild.

Sec. 216.43(b)(3)(v)(B) Issuance criteria: removal from wild

The Proposed Regulations provide that unless NMFS has **established** a removal quota for a species, the applicant for a take permit must demonstrate that the taking "will not have, by itself or in combination with **all** other **known** takes and sources of mortality, a significant direct or indirect adverse effect" on the species. Again, WDCS supports this higher burden of proof which requires a permit applicant to demonstrate that any taking **"by** itself or in combination with other activities, will not likely have a significant adverse impact on the species or stock . . ."

WDCS also supports the requirement implicit in this amendment that public display facilities will need to work harder to gather the best available information in support of its **an** application for a take permit. However, WDCS is concerned that this provision does not **specify** what exact information satisfies this requirement. The standard "best available information on cumulative take for the species or stock" is problematic, because it creates **an** unenforceable standard. Compounded by the lack and uncertainty of population **data**, WDCS recommends **that NMFS** provide examples of information that would satisfy this requirement, **as** we believe that permitted captures may have significant adverse impact on stocks.

⁴ In the Japanese drive fishery, whole pods of dolphins or small whales are encircled out ~~at~~ sea and driven into shore. Once the animals are trapped, most of them are killed for food. Some are kept for sale to aquariums. The drive fishery provides for a convenient alliance between fishermen and ~~aquariums~~. It has been demonstrated that without the financial incentive that capture for aquariums provides, there is often no real need for the 'drives' and, in recent years, the number of cetaceans captured by drive fisheries has risen exponentially with the number of aquariums.

Sec. 216.43(b)(4)(ii)(A) *Permit restrictions*

WDCS supports the extension of stricter standards in respect to depleted species also to animals from a "species proposed by NMFS to be designated as depleted. . ."

Sec. 216.43 (c) *Re-export of marine mammals into the United States*

WDCS is concerned that this proposed rule will enable US facilities to return marine mammals imported into the US back to the facility they came from without assurances of the adequacy of the conditions they are being returned to. WDCS believes that the same standards and criteria, documentation and notification requirements should apply to all marine mammals exported from the US.

Sec. 216.43 (d) and (e) *Transfm and/or transport of captive marine mammals within the US, and notification requirements*

Holders of captive marine mammals for public display have the right to transport, ~~sell~~, export purchase, or transfer an interest without seeking permission from NMFS. These holders, or facilities, may conduct such 'commerce' in 'their marine ~~mammals~~ with a 15-day advance notification to NMFS of their intent to purchase, transfer or sell. WDCS is concerned that this brief window of notification eliminates any and all public notification and comment.

In the wild, marine mammals are under national jurisdiction in domestic waters, while on the high seas they are a 'global commons'. ~~They~~ are the property of no one. WDCS believes that their status should not change when removed from the wild and kept in captivity, and opposes the private ownership of captive marine matnmals. We believe that the public should be treated ~~as~~ stakeholders in dolphins and should have a ~~key~~ consultation role concerning the destination, distribution, supervision and management of these special species.

We are also concerned that the ease with which captive cetaceans may be transferred and transported within the US under the proposed rule fails to take into account the significant stress of physically moving them'. WDCS also supports a thorough review of conditions ~~at~~ facilities before their authorized receipt of marine mammals through transfer, export ~~or~~ sale.

WDCS requests and encourages NMFS to publish all notifications of intent to transfer, export or ~~sell~~ marine mammals in the Federal Register to provide for public review and comment. Sec. 216.33 of the regulations implementing the ~~MMPA~~ provides for and obligates the Director of NMFS to publish a notice of receipt of application to ~~export~~ living marine mammals, including the location to which they will be exported. ~~WDCS~~ believes that this should include the 15-day notification of intent to transfer. WDCS believes that oftentimes the public holds critical information that should be reviewed and evaluated prior to a transfer. Public notification would

⁵ Cetaceans are large, aquatic mammals and ~~can~~ present particular difficulties to transportation, especially over long distances. During transport, cetaceans are subject to dehydration, stress and injury. In 1999, two bottlenose dolphins undergoing transfer from the Russian Federation to Argentina, died during transport. In 1995, a male orca was transferred from Marineland Antibes in France to the Izu Mito Aquarium in Japan. Witnesses to his arrival in Japan described him as demonstrating several wounds on his abdomen and dorsal fin, reportedly as a result of the conditions of transport.

ensure that ~~all~~ stakeholders have an opportunity to contribute information in the best interest of its marine mammal heritage.

Sec. 216.43(e) *Notifications and reporting*

With the increase of human-dolphin interactive programs in the US and elsewhere, there is a need for the disclosure of information pertinent to the health and welfare of marine mammals in these programs. WDCS believes that current reporting requirements are inadequate to evaluate and determine the impact these programs have on the welfare of dolphins. Information including disease transmission and physical injuries sustained by dolphins in human-dolphin interactive programs must be collected in order for all stakeholders (including insurers and federal health agencies) to evaluate the value and safety of these programs.

Sec. 216.43 (e) (1)(iii) *Notifications and reporting: transport of marine mammal ~~for~~ outreach event*

WDCS believes that the MMPA should be amended to prohibit traveling shows featuring marine mammals. These species have highly specialized care requirements that we do not believe can be met ‘on the road’.

Similarly, WDCS opposes the transport of marine mammals for ‘a school visit and similar outreach events’. We do not believe that the education benefits derived from such ~~an~~ event *can* possibly outweigh the stress caused to the animal by such a disruptive activity. We urge that such activities are prohibited.

Sec. 216.43 (e) (3) (ii) *Special authorizations*

WDCS opposes the proposed granting of an exception to the 15-day advance notification requirement on commercial grounds ~~as~~ is suggested in the **commentary** accompanying the proposed rule changes. WDCS does not believe that a “time critical business opportunity” constitutes a justifiable ‘excuse’ for **failing** to provide **15 days** advance notice of a transfer.

Sec. 216.43 (e)(4) *Marine mammal inventory*

WDCS strongly supports the maintenance of the Marine Mammal Inventory ~~as~~ required under the MMPA. **Though** outside the current statutory requirements of the MMPA, WDCS supports more detailed reporting requirements, including necropsy results that may reveal incidents of disease and physical injuries sustained by marine ~~mammals~~ in interactive programs.

Sec. 216.43(e)(5)-(8) *Notifications and reporting: MMIR submission*

WDCS welcomes any administrative improvement in the current reporting **system** that facilitates public access to centrally held information regarding captive marine mammals. WDCS believes that reporting and retrieval of information might be best facilitated through web access. Access to ISIS via the Internet would streamline informational requests, while enhancing the availability of such information to the public. WDCS supports the proposal that those critical notifications

that require evaluation of conditions and requirements, such as permit determinations, must still be sent to NMFS headquarters.

However, with this said, WDCS has concerns that although the intent of a new reporting scheme through ISIS is to streamline the process for the public display industry, it might actually complicate the reporting mechanism, and confuse the participants by requiring specific paperwork be sent to different locations. WDCS recognizes that such a division of reporting may facilitate information processing for NMFS, but also recognize that any change that makes reporting even perceptually more difficult for the regulated parties may result in reduced or non-existent reporting.

Sec. 216.43 (f) *Export of captive marine mammals*

WDCS is deeply concerned with the proliferation of captive display facilities (including those offering humaddolphin interaction programs) around the world. As media and NGO reports illustrate, many of these facilities hold cetaceans in appalling conditions, which would be unacceptable under the MMPA⁶.

It is clear that the US is a potential source of dolphins for the growing numbers of facilities around the world. To avoid the complicity of the US in this proliferation, WDCS seeks a complete ban on all exports of marine mammals from the US for captive display purposes. Without prejudice to this position, we have the following comments to the proposed rule:

We do not believe that the amendment of the MMPA in 1994 (which allowed exports without NMFS permits/authorization so long as a letter of comity provides that standards will be comparable to the public display requirements of the MMPA) affords sufficient protection of marine mammals exported from the US.

A recent shipment of dolphins from a US facility in the Florida Keys to a facility in Tortola in the British Virgin Islands, illustrates the flaws of the Comity process. According to local reports, at the time the dolphins were exported; the building of the Tortolan facility was not complete, no regulations existed for the maintenance of captive dolphins in Tortola and deep concerns had been expressed by locals about several issues, including water quality at the facility. Nevertheless, a letter of comity must have been provided to the US with a persuasive assurance that the dolphins were headed for a destination with conditions comparable to those required in the US.

⁶ In January 2001, seven bottlenose dolphins were captured from the wild for display at a swim with dolphins facility in La Paz, Mexico, which has been described by expert witnesses as one of the worst they have ever seen. Also in January 2001, six dolphins were imported for display at a swim with dolphins facility in Anguilla in the Caribbean, whose tank has been described by expert witnesses as one of the smallest they have ever seen, and who have noted the absence of adequate filtration, separate medical facilities and shade for the dolphins. In the past, dolphins captured in US waters have been exported all over the world. One facility holding US-captured dolphins is Connyland, in Switzerland. Since 1971, Connyland's owners have owned at least 36 dolphins. Twenty-four of these animals are either dead or their fate is unknown. In 2000, a Swiss NGO issued a denunciation against Connyland as a result of strong evidence they had received of animal cruelty at the facility.

This example illustrates that upholding the intent and letter of US animal protection legislation is not merely a paperwork exercise and WDCS believes that on-site inspections must be **an** integral component of the authorization of exports of marine mammals from the US.

Sec. 216.43 (g) *Seizure of captive marine mammals*

WDCS is concerned that this proposed provision relating to seizure of marine mammals allows NMFS to exercise a discretion to leave animals that have been confiscated in the facility from which they are seized (albeit with the assistance of a NMFS agent). WDCS believes that this discretion contradicts the intent of the proposed rule, which is clearly to enable the authorities to remove animals from facilities which do not meet the criteria entitling **them** to hold them.

Conclusion

In the context of the burgeoning interest in and development of “public display” facilities, including human interaction programs **across** the globe, the transfer, exchange, purchase and export of dolphins from and into the US must be held to the highest standards and scrutiny.

As well **as** ensuring the highest domestic standards in respect to captive marine mammals, the MMPA regulations will play **an** increasingly important role towards ensuring that the US is not complicit in the proliferation of substandard captive facilities around the world

WDCS is therefore grateful for the opportunity to provide comments on the proposed revisions to implementing regulations of the MMPA and hopes that this information will assist in the maintenance of the integrity of US animal protection laws.

Sincerely, and with **best regards**,

— Courtney **Stark** Vail
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Cc: Robert H. Mattlin, Executive Director, Marine Mammal Commission